

Wiretap Bill Is Vetoed by Gov. Mandel

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ANNAPOLIS, May 31 — Gov. Marvin Mandel vetoed today a bill that would have broadened Maryland's wiretapping authority, citing the Watergate scandal as proof that the "possibilities of abuse are more real than theoretical."

Mandel's action leaves the state with a law that bans as illegal some forms of wiretapping and eavesdropping now permitted by federal law, on which the state bill was modeled.

"The very opportunity for unwarranted spying and intrusions on people's privacy authorized by this bill is frightening," Mandel said in his veto message. He said that both Congress and the Maryland General Assembly had erred in enacting both the federal and state laws and had not "realized the scope of these provisions."

"In any event, I will not be a party to making unlicensed intrusions on private communications a matter of state policy, and I therefore veto this bill."

In his veto message, Mandel did not address himself to the bill's constitutionality, which was not in question. Instead, he vetoed the measure on policy grounds, brushing aside the argument of State Attorney General Francis B. Burch that a state wiretap bill was needed to fight organized crime.

Mandel's press secretary, Frank A. DeFilippo, said that Mandel was referring to the Watergate scandal and "the whole system of political and personal espionage" when he mentioned the vetoed bill's potential for abuse. He cited this concern as a prime reason for Mandel's decision to veto the measure.

Del. Joseph Owens (D-Montgomery), a cosponsor of the bill, also recognized Watergate as a factor in Mandel's decision, but said he would press for a new bill at the next session of the Maryland General Assembly.

"Let's face it," Owens said, "wiretapping is not exactly the hit of the week with Watergate and all these other things."

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The Owens bill, also sponsored by Del. Frank Heintz (D-Baltimore), would have permitted state authorities to "intercept a wire or oral communication" with a court order if the permission of one of the parties to the conversation had been obtained. Thus, a tap could have been placed on the phone of a cooperating person and the conversation of another person recorded.

Present state law forbids such a practice without a court order. Persons seeking to install the tap must convince a judge that there is probable cause to believe that a crime may be committed or has been committed or that the tap is needed to prevent a crime.

The Owens-Heintz bill was patterned after the federal wiretap law that permits electronic eavesdropping without a court order if one party to the conversation grants his permission. In his veto message, Mandel said that he could not believe that Congress realized the "scope" of the law when it was enacted.

Mandel's decision to veto the wiretap bill follows by less than two weeks the disclosure by the White House that President Nixon authorized the use of 17 wiretaps on newsmen and officials between 1969 and 1971. The wiretaps were ordered, the White House said, to find out who was leaking secret information to reporters.

Mandel apparently was referring to these taps as well as the bugging of the Democratic National Committee offices at the Watergate in his veto message. Recently, Mandel has begun to speak out strongly on the Watergate affair and last week delivered a strong speech on the subject in which he lambasted the men who were once the President's chief aides. He called them "corrupt" and said they lacked the ethical values of popularly elected officials.

But even before the Watergate scandal, Mandel was an opponent of attempts to broaden the state's authority to wiretap. He has consistently turned a deaf ear to pleas from Attorney General Burch that the state at least grant itself the power the Federal government already has.